

APPENDIX C
(Filed Under Seal)

Plaintiffs' Contradictory Expert Reports

CIPPs' Expert Williams Initial Report (Dkt. 1339-6)	CIPPs' Expert Williams Reply Report (Dkt. 1635)
<p>“In this section I briefly describe <i>the relationship between the size of a producer's sow herd and its production of hogs. Understanding this relationship is relevant for understanding certain actions Defendants' took to restrict the supply of pork products.</i> There is a direct relationship between the number of hogs that can be produced by a farm and the size of its sow herd.” Williams Initial Rpt. ¶ 29.</p> <p>“These developments have given Defendants a <i>significant degree of control over hog farming production.</i>” <i>Id.</i> ¶ 48.</p> <p>“<i>Defendants possessed, and were able to exercise, a high degree of control over hog production</i> throughout the Class Period” <i>Id.</i> ¶ 55.</p>	<p><i>It is “irrelevant ... whether Defendants controlled the supply of hogs.”</i> Williams Reply Rpt. ¶ 203.</p>
<p>“In 2020, Seaboard reported that <i>it raises 85% of hogs supplied to its processing plant</i> in Guymon, Oklahoma at its own farms” <i>Id.</i> ¶ 50.</p> <p>“Triumph Food itself is comprised of several hog farming operations (Christensen Farms, Hanor, Applied Producers' Cooperative, New Fashion Pork, and Eichelberger Farms, Inc.). Eichelberger Farms describes the <i>integrated nature of the Triumph group</i> on its website” <i>Id.</i> ¶ 53.</p> <p>“Clemens Food Group describes itself on its website as a ‘<i>vertically coordinated</i> company [that] directly oversees the entire production chain, <i>from the farm</i> all the way to our retail and foodservice customers.’ It further states that ‘Country View Family Farms is our hog production and procurement division with over 250 company-owned and independent family Farms’” <i>Id.</i> ¶ 54.</p>	<p>“This reduction in the quantity supplied of hogs <i>does not depend on whether Defendant pork producers own or contractually control</i> the supply of hogs.” <i>Id.</i> ¶¶ 53, 57.</p>

CIIPPs' Expert Williams Initial Report (Dkt. 1339-6)	CIIPPs' Expert Williams Reply Report (Dkt. 1635)
<p>“Defendants made numerous public announcements signaling to industry participants that <i>they were cutting back the production of live hogs</i>.” <i>Id.</i> ¶ 132.</p> <p>“In May 2009, Larry Pope (CEO and President of Smithfield) stated at a conference: ‘In terms of chronology of how I say we proactively managed this business, in February of last year—February of ‘08, not February of ‘09—we made the decision with the over-supply of livestock to take the leadership position and start <i>reducing our sow herds</i> because we saw the overproduction and the oversupplies of the hogs into the market, which was driving our hog market down. We <i>started a reduction of 50,000 sows</i> and 1 million of our 18 million pigs, we started taking out of the system.’” <i>Id.</i> ¶ 135.</p> <p>Larry Pope stated “[w]e are initiating a further reduction of 3% of our U.S. sow herd, effective immediately.” <i>Id.</i> ¶ 137.</p> <p>“[T]hese public announcements of <i>supply reductions</i> by individual firms constitute actions against competitors’ unilateral self-interests, as it is in each firm’s self-interest that discovery of a reduction in output by competitors would occur at a later time rather than sooner. <i>Announcing a supply reduction is, however, consistent with a firm’s self-interest</i> under collusion, as discussed above.” <i>Id.</i> ¶¶ 141, 124.</p>	<p>It is “true” that “<i>pork processors do want more hogs—not less.</i>” <i>Id.</i> ¶ 58 (cleaned up); <i>see also id.</i> ¶¶ 194, 196, 200.</p> <p>“My Opening Report does <i>not make [the] assumption</i>” that “<i>“Defendants would be more profitable when hog supplies are lower.”</i>” <i>Id.</i> ¶ 194.</p> <p>It “is true” that “<i>Defendants would be negatively affected</i>” by a “<i>shortage of hogs[.]</i>” <i>Id.</i> ¶ 200.</p>

DPPs' Expert Mangum Initial Report (Dkt. 1330)	DPPs' Expert Mangum Reply Report (Dkt. 1617)
<p><i>Hog production cuts</i> were one of the “methods [Defendants used] to effectuate the alleged conspiracy” Mangum Initial Rpt. ¶ 13.</p> <p>“The most straightforward way to reduce the supply of pork in the United States is to <i>reduce the number of hogs that come to market</i>. The number of hogs that come to market is a function of the number of sows who produce piglets, and the number of piglets retained from the farrowing process.” <i>Id.</i> ¶ 74.</p> <p>“[A]n increase in <i>hog production</i> should lead to lower hog prices, which should in turn lead to lower pork prices.” <i>Id.</i> ¶ 175</p> <p>“[A] <i>supply restriction on hogs</i> should impact all pork cuts and products” <i>Id.</i> ¶ 210.</p> <p>“[A] <i>conspiracy that affects the supply of hogs</i> . . . also affect[s] the supply of pork” <i>Id.</i> ¶ 211.</p>	<p>The “focus on <i>the upstream hog market is a red herring</i>.” Mangum Reply Rpt. ¶ 17.</p>
<p>“<i>Defendants have significant influence—either through direct ownership or through extensive contracting—over the volume of hogs</i> that are raised domestically.” <i>Id.</i> ¶ 73.</p> <p>“Defendants’ <i>control of the upstream hog market</i>—either through vertical integration or through leverage as an oligopsony—<i>is a factor that would facilitate the creation and success of the alleged conspiracy</i>.” <i>Id.</i> ¶¶ 113, 114.</p> <p>“Smithfield’s <i>expansive hog operations give it the power</i> to influence both the number of hogs it slaughters for its own pork production, and the number of hogs that are available for sale to other pork packers.” <i>Id.</i> ¶ 115.</p> <p>“Seaboard and Triumph have a high degree of <i>vertical integration</i>.” <i>Id.</i> ¶ 116.</p> <p>Clemens “has <i>significant control over its supply of hogs</i>.” <i>Id.</i> ¶ 117.</p>	<p>“Assessing anticompetitive impact need not involve a corresponding analysis of upstream input markets or other methods of indirect analysis, <i>nor does it require that the alleged conspirators be vertically integrated</i>.” <i>Id.</i> ¶ 17.</p>

DPPs' Expert Mangum Initial Report (Dkt. 1330)	DPPs' Expert Mangum Reply Report (Dkt. 1617)
<p><i>“Defendants undertook cuts to sow herds during the Conspiracy Period.” Id. ¶ 75.</i></p> <p>“Larry Pope of Smithfield explained that his company had taken ‘the leadership position’ in early 2008 with ‘<i>a reduction of 50,000 sows</i>’ and 1 million of our 18 million pigs.” <i>Id. ¶ 75.</i></p> <p>“Industry reports indicate that Tyson, Hormel, and Triumph also dramatically <i>reduced the size of their sow herds</i>. By fall 2008, Hormel had <i>reduced its sow herd</i> size from 63,000 to 54,000 (over 14%). . . . Tyson <i>reduced its [sow] herd</i> from 70,000 sows in 2008 to 52,000 (nearly 26%) in 2009. . . . Triumph <i>cut its sow herd</i> by 24,500 head for 2009.” <i>Id. ¶ 75.</i></p> <p>“Defendants <i>continued [sow] reductions</i> throughout 2009” <i>Id. ¶ 76.</i></p> <p>Defendants “continued to stress” the need for <i>sow cuts</i> for “all in the industry.” <i>Id. ¶¶ 76-79.</i></p>	<p><i>“[A] conspiracy in the hog market itself” is “a conspiracy different from the one alleged by DPPs in this case.” Id. ¶ 32.</i></p> <p>“[T]he alleged conspiracy pertains to prices for pork products, <i>not hogs</i>. <i>Id. ¶ 32.</i></p>

Consumer IPPs’ Expert Singer Initial Report (Dkt. 1347)	Consumer IPPs’ Expert Singer Reply Report (Dkt. 1626)
<p>“I outline three methods Defendants used to reduce their output ... <i>(1) Liquidation, which reduces herd size over the long term by taking sows out of production</i> ...” Singer Initial Rpt. ¶ 208; <i>id.</i> ¶ 209 (same); <i>see also</i> ¶¶ 39, 210-12, 224, 226-29.</p> <p>“Record evidence shows that Defendant’s [sic] <i>liquidated the herd sizes they controlled.</i>” <i>Id.</i> ¶ 210.</p>	<p>“Defendants’ <i>‘control’ over the hog market would make no difference</i> for my analysis of Defendants’ monopoly power in the Pork market.” <i>Id.</i> ¶ 171; <i>see also id.</i> ¶ 27.</p>
<p>“<i>Herd liquidation was deemed an important method of output restraint</i> early in the conspiracy . . .” <i>Id.</i> ¶ 211.</p> <p>“Smithfield described itself” as “le[ading] the industry in announcing <i>plans to reduce its U.S. sow herd</i> . . .” <i>Id.</i> ¶ 224 (alteration in original).</p> <p>In 2009, “Smithfield stated . . . that it was ‘initiating a <i>further reduction of three percent of [its] U.S. sow herd</i>’” <i>Id.</i> ¶ 226.</p> <p>“Tyson announced . . . ‘it will <i>reduce its sow herd</i> . . .’” <i>Id.</i></p>	<p>“The relevant antitrust market at issue is the market for Pork products—<i>not hogs</i>—” and “[w]hether Defendants also ‘control’ hogs (however defined) <i>has no bearing on any of my empirical analyses.</i>” Singer Reply Rpt. ¶¶ 32-33.</p> <p>The alleged conspiracy may occur “<i>regardless of the situation in the hog (the input) market.</i>” <i>Id.</i> ¶ 33.</p>